

**WOODS CROSS CITY COUNCIL MEETING
SEPTEMBER 6, 2016**

The minutes of the Woods Cross City Council meeting held September 6, 2016 at 6:30 P.M. in the Woods Cross City Hall located at 1555 South 800 West, Woods Cross, Utah.

CONDUCTING:

Rick Earnshaw

COUNCIL MEMBERS PRESENT:

Rick Earnshaw, Mayor
Tamra Dayley
Jessica Gertsch

Wally Larrabee
James Sheldon
Ryan Westergard

STAFF PRESENT:

Gary Uresk, City Administrator
Tim Stephens, Community Development Director
Jessica Sims, Recorder

VISITORS:

Lois Schrader
John Sawyer
Marian Capito

Don Schrader
Becky Ginos
David C. Hill

LeGrande Blackley
Carmen Capito
Todd Hansen

INVOCATION:

James Sheldon

PLEDGE OF ALLEGIANCE:

Gary Uresk

APPROVAL OF MINUTES

The City Council reviewed the minutes of the City Council meeting held August 16, 2016. After their review, Council Member Larrabee made a motion to approve the minutes as written with Council Member Sheldon seconding the motion and all voted for the motion through a roll call vote. Council Member Dayley arrived after the vote was taken and Council Member Westergard did not vote as he was not in attendance at the last meeting.

REVIEW OF FINANCIAL REPORT

The City Administrator went over the financial report for August with the Council including the city's cash position, sales tax report, transient room tax, public safety impact fees, RAP Tax, energy use tax, court fines, general funds, water fund, water impact fee fund and garbage fund.

APPROVAL OF CASH DISBURSEMENTS

The Council went over the cash disbursements listing for the period of August 6-19 and August 20 through September 2, 2016. Council Member Sheldon made a motion to ratify the cash

**OFFICIAL MINUTES
WOODS CROSS CITY COUNCIL MEETING
SEPTEMBER 6, 2016
PAGE 2**

disbursements as presented with Council Member Gertsch seconding the motion and all voted for the motion through a roll call vote.

OPEN SESSION (BRIEF ITEMS)

The Mayor then opened the meeting to items from those present that were brief in nature that they would like to bring before the City Council. This would be items that would take less than two or three minutes.

There were no items for the brief open session and the Mayor closed the open session.

COMMUNITY OF PROMISE REPORT

The Mayor noted this item would be moved to the next meeting.

**PUBLIC HEARING: PROPOSED AMENDMENTS TO CHAPTER 32 OF TITLE 12
(ZONING ORDINANCES) REGARDING ELECTRONIC CHANGEABLE COPY SIGNS**

The Mayor gave the floor to the Community Development Director who went over the following information for the City Council:

“As you may recall, last month the Planning Commission and City Council reviewed and approved the free standing signs for the new Woods Crossing Shopping Center. As part of the discussions in both the Planning Commission and City Council, the Thackeray/Garn Company and Salt Lake Regional Medical asked that the ordinance be amended to accommodate a larger LED sign. Presently the ordinance restricts the size of such signs to 56 square feet. Thackeray/Garn Company and Salt lake Medical stated they believed a sign closer to 100 square feet was more appropriate and readable for freeway purposes.

“As such, the staff was instructed to work with the City Attorney to draft proposed language for the Planning Commission and City Council’s consideration. Given to the Council you will find draft language increasing the size of LED signs. The Planning Commission held a public hearing and reviewed this draft. During the Planning Commission meeting and in their public hearing, discussions were held regarding such signs, their impacts, and the conditions the Planning Commission had placed on previous conditional use permits. The impact of the larger Murdock sign and the controversy it caused several years ago was discussed. It was noted that the Murdock Chevrolet sign, which was approved prior to our present LED sign restrictions, is 197 square feet in size. Also, several residents submitted a letter to the Planning Commission that expressed their concerns with the use of LED signage. None of the individuals that were signators to the letter attended the public hearing, but the letter was submitted as part of the public hearing record and is attached. In addition, an owner of one of the large buildings at the Gateway development near the Sizzler attended the hearing. He was interested in replacing their existing pole sign along the off ramp with a new LED sign. He expressed concern that the 10% luminosity or brightness requirement of the ordinance was too dim and would not permit drivers

OFFICIAL MINUTES
WOODS CROSS CITY COUNCIL MEETING
SEPTEMBER 6, 2016
PAGE 3

along the interstate to read the sign during those hours of restriction. The Commission instructed the staff to look into this concern. As you know the City has an LED sign at City Hall and I checked with Maureen Nelson who operates the sign and she showed me the computer programming settings which indicated that our sign is set at 80% brightness during the day and reverts to 5% at night. You have all seen this sign and the luminosity is more than sufficient to be read. As such, I believe that 10% is a reasonable setting for the hours described in the proposed draft.

“The Planning Commission has recommended to the City Council the adoption of the ordinance be approved and the sign ordinance be amended as outlined within.”

After the review by the Community Development Director, the Mayor opened the public hearing.

There were no comments from the public present and the Mayor closed the public hearing.

The Council then had discussion regarding this issue.

Council Member Westergard said he had received a lot of public comments on this issue in the past and he had concerns about increasing the size and creating an opening for more of these types of signs to be allowed. He noted he had been involved in the car dealership sign that had caused so many problems to some of the neighbors nearby. He said he felt that even though the sign being proposed is smaller, it will probably still have an impact on the neighborhood even though it is half the size. He said he did understand why they would like to have this sign so it is more visible but he said he has seen the negative impact that other electronic signs located within the area have had on the city and its residents.

Council Member Dayley asked Mr. Stephens what the neighboring cities are doing regarding this type of sign and he said the outlined changes were in line with what other cities are doing. She also asked if these types of large signs were even necessary anymore. She said she was recently traveling and was looking for a restaurant in an area and was not able to see a sign but she said she relied on her phone to find it instead of the signs. She said that other business areas are going to smaller signs and not using signage as much. She said she wondered if there was really a need for large signs at this point in time.

Council Member Sheldon said he also agreed with the concerns that Council Member Westergard had especially as the city is contemplating condominiums going in near this area. Council Member Sheldon said he lives near the area where the Murdock sign has impacted the neighborhood and there are still neighbors that struggle with having the large sign impacting their homes.

Mr. John Sawyer, who is the project manager of the shopping center where the proposed sign would be going in, came before the City Council. He said the reason for requesting the sign ordinance change was that one of the tenants that was proposing to build on the property was

**OFFICIAL MINUTES
WOODS CROSS CITY COUNCIL MEETING
SEPTEMBER 6, 2016
PAGE 4**

wanting to put in this type of sign and that is why they were requesting the change. He noted that some people have done research and that freeway signs are a good way to advertise. But he went on to say that by talking with city staff maybe there would not a great benefit to the community to have this type of sign put in other than in some possible emergency situations.

The Mayor said he didn't think that the sign would be that great of a benefit for the proposed medical facility because it is not really a 24/7 emergency type facility, that it is more of a medical facility instead an emergency facility. He also said the nearby hotel might be impacted as well.

It was asked if the medical facility would consider a different type of sign. Mr. Sawyer said they have been in negotiation with the medical facility and the LED sign was kind of a sticking point with them to want to come in at this location.

Council Member Westergard commented and said he also sees the car dealership sign change from his home and he feels for the neighbors who are located near the sign that have been impacted by the large sign.

**CONSIDERATION TO ADOPT AN ORDINANCE AMENDING CHAPTER 32 OF
TITLE 12 REGARDING ELECTRONIC CHANGEABLE COPY SIGNS**

Following the above discussion Council Member Dayley made a motion to table this item and accept the codification but not the sign size increase. Council Member Larrabee seconded the motion and all voted for the through a roll call vote.

The Mayor directed staff to look into rewriting the ordinance with the more restrictive signage language but without including the size increase and bring it back for the Council's review. Staff said they would work on doing that.

UPDATE ON FARM MEADOWS SUBSIDENCE STUDY

The Mayor gave the floor to the City Administrator who noted the following for the City Council:

"Last Tuesday night, the Mayor, the Public Works Director, Greg Seegmiller, Rick Chestnut from Terracon and I, met with the residents in Farm Meadows subdivision regarding the subsidence issues in the subdivision. We had approximately 50 residents there to discuss the issues with us. Greg Seegmiller presented our findings to date which we have sent out to all of them after the meeting. Given to the Council is a copy of the findings that was sent out. There were numerous comments and questions from the residents about what was occurring in the subdivision. It appears the number of homes affected is larger than we originally anticipated. Also given to the Council is a map of the subdivision showing the additional homes brought to our attention during the meeting. To get a more definite understanding of the extent of the problem we are in the process of sending out a survey to each of the residents in the Farm

**OFFICIAL MINUTES
WOODS CROSS CITY COUNCIL MEETING
SEPTEMBER 6, 2016
PAGE 5**

Meadows subdivision. Given to the Council is a copy of the letter and the survey that will be sent out.

“Once we get the surveys back we will determine if there are additional borings that need to be made to help in determining what is causing the subsidence. We will continue with the monitoring of the sewer manhole elevations and home elevation measurements to keep track of the movement occurring in the subdivision. We will also focus on what help through the state and federal government is available for those experiencing damage to their homes.

“I will keep the Council updated as we proceed with our efforts.”

After the review by the City Administrator, Council Member Westergard said he would like to see some other areas surveyed such as the residential neighborhood to the east and the commercial property to the south of the proposed subsidence area. He said by looking at the map there could be some other areas that may be affected.

The City Administrator said he was looking into what financial help may be available depending on what the findings are and how widespread the problem may be.

The Mayor said he felt that communication was key in this situation and said he would like staff to keep in touch with the residents and do all that can be done to give information and help in this situation.

The City Administrator said they would continue to work on the issue and monitor what is going on and what is happening in the area.

The Council thanked the City Administrator for his continued work on this issue.

CONSIDERATION TO APPROVE AN INTERLOCAL AGREEMENT WITH DAVIS COUNTY REGARDING THE ADMINISTRATION OF CDBG FUNDS

The City Administrator continued with the floor and noted the following for the City Council:

“Given to the Council is a letter from Tony Zambrano, grant auditor for Davis County, explaining the need for the amendment to the agreement signed in 2010. Also given to the Council is a copy of the proposed amendment to the agreement. The proposed amendment changes dates and clarifies the requirements of participating in the CDBG program. Mr. Mark Bell and I have reviewed the amendment and are okay with the wording.”

The Council reviewed the changes and information and found all to be in order.

Council Member Westergard made a motion to approve the Interlocal Agreement with Davis County regarding the administration of CDBG funds. Council Member Gertsch seconded the motion and all voted for the motion through a roll call vote.

**OFFICIAL MINUTES
WOODS CROSS CITY COUNCIL MEETING
SEPTEMBER 6, 2016
PAGE 6**

OPEN SESSION

The Mayor then opened the meeting to comments from those present that they would like to bring before the City Council.

Mr. Don Schroeder came before the Council and asked about the water that comes down behind RB's and wondered where the water went. It was noted it goes out into the lake. He asked where the A-1 storm water went and it was noted it also went into the lake. Mr. Schroeder said he thought it would be a good idea to pump the excess water into the reservoirs that are on Davis Boulevard to help with having an extra water reserve.

It was noted it would be the cost of pumping the water that would not allow this to occur but that Weber Basin Water is who would be involved in that decision. Mr. Schroeder said he felt like it was very wasteful to just let this water go to the lake and evaporate. He said we may need this water in the future. The Council agreed and said it is Weber Basin who would be the one to make that decision.

Council Member Dayley noted that a large three engine plane was coming in and out of the small airport the other day and it is very noisy. It was noted that it was an older plane that travels the country for exhibition and they were selling rides to go on the plane. The Mayor said it is not at the airport all of the time but it travels the country.

Council Member Westergard said there is an area on 1600 West where Weber Basin had a line break in an area near the park and he asked about the cleanup in the area. He asked if they were going to come back and clean up the mess they had made during the repairs. The City Administrator said he would follow up on it and see that it is cleaned up and taken care of.

The Mayor asked if the Public Works Director and the City Administrator could work with UDOT and get the landscaping fixed near the 1500 South overpass. The City Administrator said he would also work on getting that taken care of.

PLANNING COMMISSION REPORT

Council Member Sheldon reported on the Planning Commission meeting held August 23, 2016. Please see the minutes of that meeting for the details of his report.

SOUTH DAVIS SEWER DISTRICT REPORT

The Mayor gave the floor to Council Member Westergard who reported on the activities of the South Davis Sewer District. He noted they are working on the Interlocal Agreement on the Jordan River Commission. He also noted that they are continuing to work on the resource recovery project and they are working on site approval in North Salt Lake.

**OFFICIAL MINUTES
WOODS CROSS CITY COUNCIL MEETING
SEPTEMBER 6, 2016
PAGE 7**

MAYOR'S REPORT

The Mayor then noted there is a need for people to serve on the Beautification Committee and the Arts in the Park Committees. He also said the Arts in the Park event that was set for September was going to be cancelled. He also noted they are still planning on holding the Pumpkins in the Park event and the tree lighting event in December.

CITY ADMINISTRATOR'S REPORT

The City Administrator noted the following for the City Council:

1. Parking near Woods Cross High

"The Public Works Director, as requested in the last meeting, visited with the high school and they will be re-striping the parking lot to add approximately 40 stalls which were displaced by the portables. The Public Works Director will monitor the situation after they have the stalls striped to see how that affects parking on the streets. If there is still a need for more parking restrictions he will come back and discuss it with you.

2. CTC Trucking

"Mr. Mark Bell has been working very closely with David Kingston to get CTC Trucking moved off of the Golden Eagle property. Mr. Kingston has committed that CTC is close to finalizing an agreement on a piece of property on 2100 South that they can move their trucks to and plan on being moved out by the end of September. Mr. Kingston will be getting back with Mr. Bell in the next couple of days to verify that the purchase has been finalized. Pending their contemplated move, we are continuing the appeal on the business license in hopes they will be able to move out and not have to go through the appeal for the business license. I will keep you updated on the progress of getting them moved.

3. Summer Picnic

"Just a reminder about the Summer Picnic that is scheduled for September 9th at 6:00 P.M.

ADJOURNMENT

There being no further business before the Council, Council Member Westergard made a motion to adjourn the meeting at 7:38 P.M. Council Member Dayley seconded the motion and all voted for the motion through a roll call vote.

Rick Earnshaw, Mayor

Jessica Sims, City Recorder